REMARKS

I. Introduction

In response to the Office Action dated May 19, 2005, no claims have been amended. Claims 1-26 remain in the application. Re-examination and re-consideration of the application, in light of this response, are respectfully requested.

II. Allowable Subject Matter

In paragraph 3 of the Office Action, claims 4-11 and 15-22 were objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner and formally acknowledges the allowable nature of claims 4-11 and 15-22.

III. Prior Art Rejections

In paragraphs (1)-(2) of the Office Action, claims 1-3, 12-14, and 23-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kelly et al., U.S. Patent No. 6,650,869 (Kelly) in view of Okunishi et al., U.S. Publication No. 2001/0048672 (Okunishi).

Applicant respectfully traverses the rejections in light of the arguments below.

The Kelly Reference

The Kelly reference discloses a system for managing return channel bandwidth in a two-way satellite communication network is disclosed. A plurality of transceivers are configured to transmit backlog information over a return channel via a satellite. The backlog information specifies an amount of queued traffic for the respective transceivers. A hub is configured to receive the backlog information and to allocate a predetermined amount of return channel bandwidth to each of the plurality of transceivers. The hub determines whether additional return channel bandwidth is available to accommodate a remaining backlog such that a bandwidth allocation amount is set to a level associated with one of the plurality of transceivers having the largest backlog. The hub selectively identifies a transceiver among the plurality of transceivers having a next largest backlog based upon the determined available return channel bandwidth. The hub selectively adjusts the

bandwidth allocation amount to a level associated with the transceiver with the next largest backlog. The hub allocates the additional return channel bandwidth to the plurality of transceivers based upon the adjusted bandwidth allocation amount if the adjusted bandwidth allocation amount reduces at least a portion of the backlog of the plurality of transceivers.

The Okinushi Reference

The Okunishi references describes a satellite communication data delivery method where delivery data is transmitted from a master station to a slave station over a packet exchanging system communication channel 3 via a satellite. The slave station demodulates the packet ID appended to a packet delivered. In case the packet ID is the same as the packet ID owned by the slave station, the slave station receives the data in the packet. The slave station transmits an assignment request signal for the dedicated communication channel 4 over the uplink of the control channels 5. The master station assigns an idle dedicated communication channel out of the dedicated communication channels 4 to the slave station and notifies the slave station of the assignment over the downlink of the control circuits 5. The slave station transmits response data to the master station over the assigned dedicated communication channel. See Abstract.

In FIG. 4, 6 represents a master station, 7 a plurality of slave stations, and 8 is a satellite to relay communications between the master station and the slave stations 7. See FIG. 4 and paragraph [0032].

The Claims are Patentable over the Cited Reference

The claims of the present invention describe methods and apparatuses for providing digital data to a data reception device. A method in accordance with the present invention comprises operating the data reception device in a wireless communication network comprising a plurality of terrestrial receivers and terrestrial transmitters, each serving a service region, receiving at least a portion of the digital data in a satellite receiver via a satellite communication system, providing the received portion of the digital data to at least one of the terrestrial transmitters, and transmitting the received portion of the digital data to the data reception device within the service region using the terrestrial transmitter while transmitting a remainder of the digital data via the wireless communication network.

The cited reference does not teach nor suggest the limitations of the claims of the present invention. Specifically, the cited reference does not teach nor suggest at least the limitation of transmitting the received portion of the digital data to the data reception device within the service region using the terrestrial transmitter while transmitting a remainder of the digital data via the wireless communication network as recited in the claims of the present invention.

As noted on page 3 of the Office Action, Kelly does not disclose transmitting a remainder of the digital data via the wireless communication network. Although the Office Action states that Okunishi teaches this limitation, Okunishi merely describes another satellite network between the master station and the slave stations. The delivery of data between the master station and slave stations, namely, communication channel 3, dedicated communication channels 4, and control channels 5, are all transmitted between the master station 6 and slave stations 7 via satellite 8. As with Kelly, there is no data delivered via a wireless communication network, because there is no communication network mentioned in Okunishi other than the satellite network.

Even if Kelly and Okunishi were combined, the combination would not teach or suggest the limitations of the present invention. The combination would result in a satellite data delivery system where dedicated communications channels are assigned via a master station in a satellite network. This combination does not teach or suggest the limitation of transmitting the received portion of the digital data to the data reception device within the service region using the terrestrial transmitter while transmitting a remainder of the digital data via the wireless communication network as recited in the claims of the present invention.

Moreover, the various elements of Applicant's claimed invention together provide operational advantages over Kelly and Okunishi. In addition, Applicant's invention solves problems not recognized by Kelly and Okunishi.

Thus, Applicant submits that independent claims 1, 12, and 23 are allowable over Kelly and Okunishi. Further, dependent claims 2-11, 13-22, and 24-26 are submitted to be allowable over Kelly and Okunishi in the same manner, because they are dependent on independent claims 1, 12, and 23, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-11, 13-22, and 24-26 recite additional novel elements not shown by Kelly and Okunishi.

IV. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

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